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*Attorney for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

ST. CHARLES HEALTH SYSTEM, INC.,  
an Oregon nonprofit corporation,

Plaintiff,

v.

OREGON FEDERATION OF NURSES  
AND HEALTH PROFESSIONALS,  
LOCAL 5017, AFT, AFL-CIO,

Defendant.

Case No.

**DEFENDANTS' NOTICE OF REMOVAL  
Federal Question Jurisdiction  
(28 U.S.C. § 1441(a))**

(Deschutes County Circuit Court, Case No.  
21CV07024)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367(c), 1441, 1446, and 29 U.S.C. § 185, Defendant Oregon Federation of Nurses and Health Professionals, Local 5017 AFT, AFL-CIO ("OFNHP") hereby removes to this Court the state-court action described below:

**PROCEDURAL AND FACTUAL BACKGROUND:**

On February 25, 2021, Plaintiff St. Charles Health System, Inc. ("St. Charles") filed a complaint in the Deschutes Court for the County of Multnomah, entitled *St. Charles Health*

*System, Inc. v. Oregon Federation of Nurses and Health Professionals, Local 5017, AFT, AFL-CIO.*, Case No. 21CV07024. Plaintiff sent a copy of the Complaint, a Motion for a Temporary Restraining Order, and a Declaration to attorney Sam Lieberman by email that same day. As of 7:00 A.M. on February 26, 2021, Plaintiff has not provided Defendant a summons or any other filings. A true and correct copy of the Complaint is attached hereto as **Exhibit A**. A true and correct copy of the Motion for Temporary Restraining is attached hereto as **Exhibit B**. A true and correct copy of Declaration is attached hereto as **Exhibit C**. The complaint alleges one claim for relief, namely that Defendant committed an Unfair Labor Practice under the National Labor Relations Act, specifically that OFNHP violated 29 U.S.C. § 158(d)(B). The Motion for a Temporary Restraining Order asks the court to restrain OFNHP from carrying out a strike which it notified St. Charles would begin on March 4, 2021.

### **JURISDICTIONAL STATEMENT**

Defendant removes this action under 28 U.S.C. § 1441(a) which permits removal of cases involving a federal question. Federal question removal is governed by the “well-pleaded complaint” rule. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392-93 (1987). Removal is appropriate where “a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Id.* at 392. Here, St. Charles explicitly invokes federal law as the sole basis for its claim. Exhibit A, p. 3.

Neither the lack of merit in a federal claim nor a plaintiff’s lack of standing to bring it defeats federal question jurisdiction. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 89 (1998). It is enough that “the right of petitioners to recover under their complaint will be

sustained if the Constitution and laws of the United States are given one construction and will be defeated if they are given another.” *Id. quoting Bell v. Hood*, 327 U.S. 678, 682-83 (1946).

### **NOTICE OF REMOVAL IS TIMELY**

This Notice of Removal is timely, because it is filed within thirty (30) days of February 25, 2021, the date on which Plaintiff provided Defendant a copy of its state-court complaint. *See* 28 U.S.C. § 1446(b).

### **JOINDER OF PARTIES IN REMOVAL**

OFNHP is the only defendant in this case, and so all parties join in removal. 28 U.S.C. § 1446(b)(2)(A).

### **VENUE**

Venue is proper in the Eugene division of the District of Oregon because the facts alleged in the Complaint took place in Bend, Oregon, and because the Complaint was filed in Deschutes County. *See* 28 U.S.C. § 1391(a); 28 U.S.C. § 1441(a).

### **CONCLUSION**

For all the foregoing reasons, this action is properly removed to this Court.

Respectfully submitted,

Dated: February 26, 2021

HIGHET LAW LLC

By: s/ Catherine A. Highet  
Catherine A. Highet (OSB No. 071306)  
*Attorney for Defendant*